



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

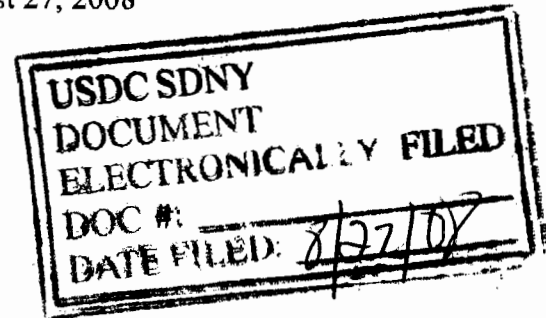
*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

August 27, 2008

**By Facsimile**

Honorable Douglas F. Eaton  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

Honorable Theodore H. Katz  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007



Re: *United States v. Aneury Luna Amparo*, 07 Cr. 1020 (DFE)  
*United States v. Aneury Luna Amparo*, 08 Cr. 405 (THK)

Dear Judges Eaton and Katz:

By this letter, the Government wishes to advise Your Honors of these related cases and invite you to consolidate them before one judge. I have consulted with defendant counsel for Anueury Luna Amparo (the "defendant"), who joins in this application

Most recently, the defendant was arrested by the New York City Police Department on Sunday, August 24, 2008. He was brought into federal custody on August 25, 2008 and presented on a Misdemeanor Information in *United States v. Aneury Luna Amparo*, 08 Cr. 405, alleging that he violated Title 18, United States Code, Section 3146 by failing to appear (the "Bail Jumping Information"). The Bail Jumping Information was then assigned to the Honorable Theodore F. Katz. Pursuant to a letter submitted by the Julia Gatto, Esq., of the Federal Defenders, Judge Katz's chambers have set an initial conference for 2:30 PM today, August 27, 2008.

The defendant also has an outstanding case before Judge Eaton. On November 21, 2007, the defendant pleaded guilty before Judge Eaton to a Misdemeanor Information

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alleging a violation of Title 18, United States Code, Section 1028(a)(4) and (c)(1) in *United States v. Aneury Luna Amparo*, 07 Cr. 1020 (DFE) (the "Identity Theft Information"). Sentencing was set for February 29, 2008, and the defendant remained free on bail between the plea and the sentencing.

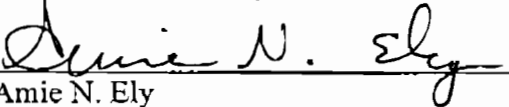
In a memorandum dated December 5, 2007, the defendant's pretrial services officer requested a bench warrant for the defendant's arrest, based on his violating the conditions of his pre-sentence release. Judge Eaton issued the bench warrant on December 6, 2007. On January 18, 2008, Judge Eaton advised the defendant's probation officer not to proceed with a presentence investigation report until further notice. The February 29, 2008 sentence was kept on the calendar; however, the defendant failed to appear. The Government filed the above-referenced Bail Jumping Information on May 8, 2008. The bond securing the defendant's pretrial release was revoked thereafter.

As the Identity Theft Information and the Bail Jumping Information are related, the parties wished to bring this matter to Your Honors' attention so that you may consider assigning both of them to the same judge.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

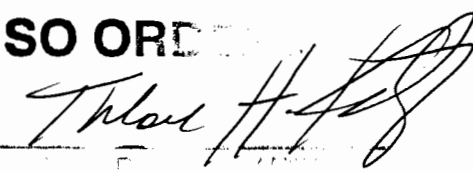
By:

  
Amie N. Ely  
Assistant United States Attorney  
(212) 637-2214

cc: Julia Gatto, Esq. (By facsimile)

*Time excluded until  
September 2, 2008.*

8/26/08 SO ORDERED



UNITED STATES MAGISTRATE JUDGE